



PECFA POST



A newsletter created and distributed by the Wisconsin Department of Commerce, Bureau of PECFA

PECFA POST, Volume 7, Issue 1

www.commerce.wi.gov

April 2007

MILWAUKEE OFFICE MOVES

News from the Wisconsin Department of Commerce (Commerce) Bureau of Petroleum Environmental Cleanup Fund Award (PECFA) Site Review Section Milwaukee Office. After having been at the Schlitz Park for more than 10 years, the office will be relocated. The current lease expires on April 30, 2007. The move is expected to take place the first or second week of May 2007. The relocation will move the Site Review Section to the current location of the petroleum inspectors, 9316 N. 107th Street, Milwaukee, WI 53224-1121. The telephone numbers will change but the areas of coverage will not. Milwaukee site reviewers will still cover the zip codes starting with 530/531/532/534.

Commerce will provide a later update as to the date of departure. Site Review contact phone numbers will change to the following:

Fax Line: 414-357-4700
Lee Delcore: 414-357-4701
Greg Michael: 414-357-4702

Linda Michalets: 414-357-4703
Steve Mueller: 414-357-4704
Monica Weis: 414-357-4705

COMM 47 INFORMATIONAL SESSIONS

In January and February 2007, Commerce held informational sessions regarding the changes to Comm 47 that became effective May 1, 2006. Sessions were held in Wausau, Eau Claire, Neenah, Brookfield and Madison. There were approximately 175 attendees, representing 85 consulting firms, site owners, lending institutions, the Wisconsin Department of Natural Resources (DNR) and Commerce. The main topics of discussion were contract notification, site reporting and usual & customary standardized invoicing. The sessions were well received and generated many questions. The most important message is that it is imperative that all parties communicate with Commerce regarding the status of a site. Commerce wants to assist responsible parties and consultants in the process of moving sites to closure.

SUB-CONTRACTOR INVOICES REQUIRED IN CLAIM SUBMITTALS

During the Comm 47 informational sessions, consultants were informed that three bids for commodity services are no longer required if the occurrence is required to follow the Usual & Customary Cost Schedule (UCCS) or if a cap was established through the public bidding process. Costs or activities that are not on the UCCS still require three commodity bids if approved through the variance process. Unfortunately, this has also led many to believe that sub-contractor invoices are also not required as of May 1, 2006. This is not the case. If a

In This Issue . . .

[USUAL AND CUSTOMARY
COST SCHEDULE
CLARIFICATIONS](#)

[GROUNDWATER SAMPLING
FOLLOWING WELL
DEVELOPMENT](#)

[CONTRACT TERMINATIONS](#)

Page 2

Page 4

Page 5

sub-contractor was hired to perform a commodity service, invoices from commodity providers are still required in the claim for costs to be reimbursed for these services.

USUAL & CUSTOMARY COST SCHEDULE CLARIFICATIONS

Trip, Field and Methanol Blanks

Quality Assurance/Quality Control (QA/QC) samples (i.e. trip blanks, methanol blanks and field blanks) have always been eligible for PECFA reimbursement before laboratories began listing them at no charge on site specific and annual laboratory bids. The fact that Commerce has reimbursed for these in the past and because they are required by Commerce and the DNR, Commerce recognizes the eligibility of these items under TASK 33 of the UCCS. The reimbursement maximum for the QA/QC samples coincides with the appropriate analytes provided in the schedule; however, the following stipulations apply:

- Trip blank costs are reimbursable if volatile organic compounds (VOC), gasoline range organics (GRO) and petroleum volatile organic compounds (PVOC) are not detected in any of the groundwater samples (DNR PBL-DG-038 96; p. 26).
- Field blank costs are not reimbursable if dedicated or disposable sampling equipment is utilized.
- Methanol blank costs are reimbursable when methanol preservation is used.

Report Writing and Reimbursement Eligibility

The Bureau of PECFA developed UCCS reimbursement maximums for report preparation tasks with the following expectation: current technology makes it possible to retain reports, tables, maps, drawings, etc. for use in future submittals.

Site Investigation Report (SIR) Versus Closure Report

Requests for site closure must be included in the SIR (Task 22 or 23) if, at the completion of the site investigation, closure is the appropriate recommendation. When a closure request is included in a SIR (may include, but is not limited to, sites closing under NR 746.07), only the cost to prepare the SIR (Task 22 or 23) are eligible. In such cases, the UCCS cost for a closure request (Task 5) cannot be applied. However, in addition to the SIR, incremental costs for free product abatement reporting and GIS packet preparation are eligible.

Report Reimbursement

A common question regarding report reimbursement is: if costs to prepare a report are less than what the UCCS allows, can the full UCCS amount be billed? The answer to that question is no, based on Statute 101.143 (3) (f) 4 and COMM 47.12 (1) (d) which are clear about what costs can be submitted for reimbursement. If the actual cost to complete a report is less than the UCCS reimbursement maximum, that is the actual amount Commerce

PECFA POST SUBSCRIPTION AND REQUEST FOR TOPICS

To subscribe to the PECFA Post go to <http://commerce.wi.gov/ER/ER-PECFA-News.html>, enter your email address and name and click the subscribe box. You will receive an email to confirm your email address. Upon confirmation, you will have been added to the electronic distribution list.

Commerce appreciates suggestions for future Post topics or comments on current articles. Please contact Beth Erdman at beth.erdman@wisconsin.gov to provide suggestions or topics.

expects to see on the standardized invoice and submitted in the claim.

There has been a misunderstanding with respect to the use of the term “lump-sum.” At several of the 2006 Comm 47 informational sessions, concern was expressed about having to complete the Report Breakdown Form (an attachment to the UCCS Standardized invoice that required an accounting of consultant hours and rates for preparing a report). Commerce made a decision, at that time, to discontinue the use of that form and that report costs could be submitted as a lump-sum amount.

Natural Attenuation Parameter Activity

Groundwater sampling activity GS10 under Task 1 on the UCCS is for incremental sample collection. This cannot be used for the measurement of the physical field parameters (i.e. pH, conductivity, dissolved oxygen, redox and temperature). Field parameters are to be measured as part of activity GS05 (Task 1-Groundwater Sampling). When and how to apply activity GS10 is included in UCCS Specifications and in the Task Reference Guide which can be accessed at the following links:

<http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-UsualandCustomaryCostScheduleNumber2.pdf>

and

http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-UandC_Task_Reference_Guide.pdf

Activity GS10 was added to Task 1 after it was determined that UCCS laboratory item W11 was too restrictive. Moving activity GS10 to Task 1 afforded more flexibility in collecting, filtering (when necessary) and submitting groundwater samples for natural attenuation laboratory analysis.

Activity GS10 provides the labor cost to collect and, when necessary, filter groundwater samples that require laboratory analysis for geochemical natural attenuation parameters. This activity also includes the cost of groundwater filtering equipment for geochemical natural attenuation parameters that require filtering.

Mobilization/Demobilization Clarification

Where UCCS specification text states that activities can be conducted “concurrent with” indicates there is no primary mob/demob associated with that activity. The activity is intended to be concurrent with another task or activity for which there is a primary mob/demob.

Borehole Logs (Drilled, Direct Push, Hand Auger) and Abandonment Documentation

Soil boring logs must be completed for the entire depth of the borehole and signed by the person that developed the written description. Borehole abandonment forms must be fully completed. Incomplete or unsigned boring logs, well construction, well development or abandonment forms will not be reimbursed.

Vapor Screening

Task 18 in the UCCS for Vapor Screening is for qualitative screening for petroleum vapors with a field ionization device (i.e. no samples are to be collected for laboratory analysis).

GROUNDWATER SAMPLING FOLLOWING WELL DEVELOPMENT

It has come to the attention of Commerce that some consultants are collecting initial groundwater samples from newly installed monitoring wells the same day they were developed. Commerce finds this activity inappropriate and the results of such sampling will not be considered valid. The DNR indicates quality and representativeness for wells sampled in this manner are doubtful. Consequently, Commerce will not reimburse the cost for initial groundwater samples collected in this manner.

The DNR's September 1996 "Groundwater Sampling Desk Reference" (Pub-DG-03796) specifies that sampling, as indicated above, is not appropriate. The desk reference addresses the sampling situation for newly installed wells by indicating that "before purging and sampling a newly constructed and developed well, wait at least one week to allow the well to equilibrate with groundwater chemistry." The desk reference is afforded code status per NR 140.16(1)(c).

Regarding the well development and the UCCS, Activity MWI20 (Well Development) under Task 14 (Monitoring Well Installation) is only associated with a separate, primary mobilization (Activity MWI25) for those few wells where NR 141 requires the annular space be grouted. The code indicates that for grout-required wells, there is a 12-hour waiting period before development. The majority of monitoring well installations do not require grouting. Consequently, for most wells there is no separate mobilization for well development. Task 34 (Incremental Mob/Demob) also does not apply because there is no primary mobilization for the development activity, unless grouting is required for the annular space. For non-grouted wells, the expectation is the well will be developed the same day it is installed. If the consultant performing a drilling project must stay overnight to finish well development, they are eligible for Task 31 (Consultant Overnight Per Diem) and each developed well would be eligible for the well development activity unit rate (MWI20).

PENALIZED INELIGIBLE REMINDER

During the training sessions in January and February 2007, Commerce reported that claims received after March 1, 2007, with penalized ineligible costs per Comm 47.30(3)(b) will have the penalties applied per 47.30(3)(a). Therefore, an owner that prepares and submits a claim that includes penalized ineligible costs will not only be penalized the ineligible cost but will also be assigned an additional 50 percent penalty to that cost. For a consultant who prepares and submits a claim that includes penalized ineligible costs, the penalty requires that they pay Commerce an amount equal to 50 percent of the total amount of those costs. In addition, the award for the claim will be reduced to exclude those costs.

WEB REPORTING REMINDER

Consultants for PECFA sites that were publicly bid prior to May 1, 2006 (Bid Round 42 and earlier) must complete the second web report for the sites by May 1, 2007, per Comm 47.71(5)(b). The first web report (initial progress report) for these sites was due on September 1, 2006 per Comm 47.71(5)(a) and PECFA Update 23. A list of bid sites that have yet to complete the initial online report is available at: <http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-BidSitesNotReported.pdf>.

Consultants for sites that were publicly bid after May 1, 2006 (Bid Round 43 or later) do not need to comply with the above, but must instead fulfill the Monitoring for Progress

requirements provided in Comm 47.70. If you have questions about these reporting requirements please contact Beth Erdman at 920-303-5410.

PECFA's reporting website can be accessed from the PECFA homepage or via the following link: <http://commerce.wi.gov/ER/ER-PECFA-SiteReporting.html>.

CONTRACT TERMINATIONS

Commerce reminds consultants that contract terminations with the responsible party (RP) must be completed online. Failure to complete the contract termination online will result in future consultant's inability to execute subsequent contracts. Failure to complete this task online will be followed by reminders from Commerce requiring the contract be terminated.

PECFA SITES – COPY US ON REPORTS

This is a reminder to send Commerce hard-copy reports for all sites, even those under DNR jurisdiction, when a scope of work (SOW) is completed. Reports are especially important when marking the completion of the investigation or a bid SOW. These are major milestones in Comm 47 for reviewers evaluating sites in the bidding process, which includes deferment and waiver decisions. Even though a bid document may not specifically state in the remedial requirements section (Section 2) that Commerce is to be copied on reports, always send a copy.

Additionally, whenever a new or modified cost cap is requested, submit a brief report that includes, at a minimum, data tables and figures.

Commerce encourages you to save resources by submitting only one copy of a report or bid response, double-sided whenever possible.

INTERIM ACTION AWARDS

An interim action performed during the course of an investigation or prior to the approval of a remedial action plan will not be reimbursed for more than \$5,000.00, excluding interest {Comm 47.337(2)(d)}. Commerce must be notified prior to the implementation of the interim action or no reimbursement will be granted.

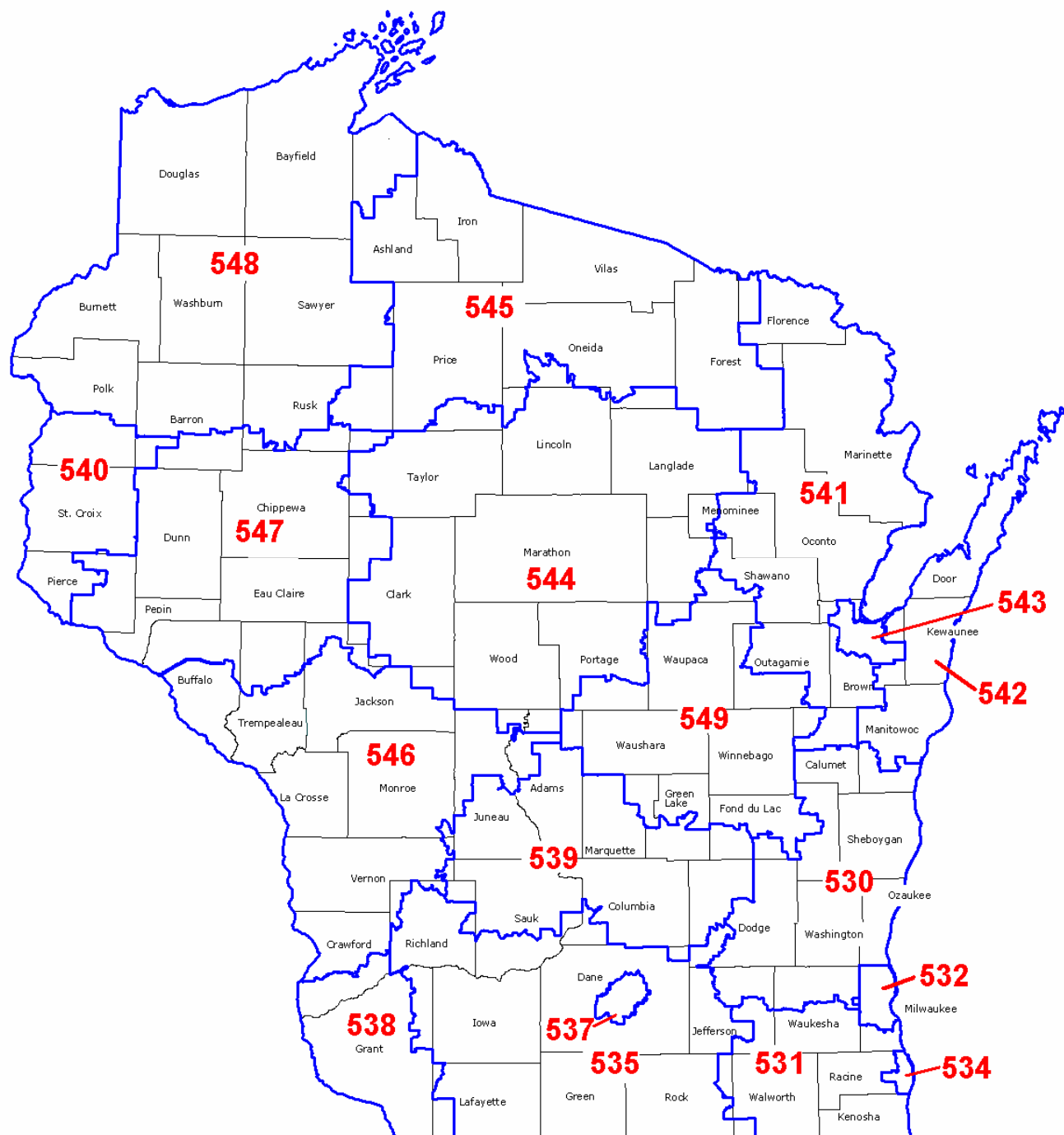
WISCONSIN DEPARTMENT OF COMMERCE NEWSLETTER

Commerce publishes a newsletter bimonthly. The newsletter often contains information related to the PECFA program. A link to the archive of past and current newsletters follows: <http://commerce.wi.gov/newsletter/archive.html>. The link includes the option to subscribe to the newsletter electronically.

PECFA UPDATES SINCE THE LAST ISSUE OF THE POST:

Update 28: <http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-Update28.pdf>

PECFA SITE REVIEW ZONE COVERAGE MAP



PECFA SITE REVIEW ZONE CONTACT INFORMATION

Bureau Director Oscar Herrera (608) 266-7605		Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708-8044 FAX: 608-267-1381
Section Chief Site Review Section Eric Scott (608) 266-8516		
Advanced Hydrogeologists Greg Michael (414) 220-5375 David Swimm (608) 264-8766 Tom Verstegen (920) 424-0025		Milwaukee (see address below) Madison (see address below) Oshkosh (see address below)
Program Assistants Kristi Prindle (608) 267-3753 Cathy Voges (608) 261-7717		Wisconsin Department Of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708-8044
Zip Code Starting with:	Senior Hydrogoeologists	
530, 531, 532, 534	Linda Michalets	(414) 220-5376
	Stephen Mueller	(414) 220-5402
	Lee Delcore	(414) 220-5403
	Monica Weis	(414) 220-5361
	Greg Michael	(414) 220-5375
535	Ralph Smith	(608) 261-6543
	Alan Hopfensperger	(608) 266-0562
537	Jon Heberer	(608) 261-5405
538	Andy Alles	(608) 261-8509
539, 546	Gena Larson	(608) 261-5404
	Brian Taylor	(608) 266-0593
540	Shawn Wenzel	(608) 261-5401
545	David Blair	(608) 261-2515
548	Will Myers	(608) 261-7718
544	Dee Zoellner	(715) 342-3802
547	Tim Zeichert	(715) 345-5307
542, 543	Robert Klauk	(920) 424-0046
549*	Tom Verstegen	(920) 424-0025
541	Beth Erdman	(920) 303-5410

*Outagamie, Winnebago, Fond du Lac Counties are managed by Robert Klauk and Tom Verstegen where as the remainder of 549 sites including the City of New London are managed by Dee Zoellner.

PECFA CLAIM REVIEW CONTACT INFORMATION

Bureau Director Oscar Herrera (608) 266-7605		Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708-8044 FAX: 608-267-1381
Section Chief Claim Review Section Dennis Legler (608) 267-7642		
Position	Contact Information:	
Claim Review	Linda Collier (608) 267-5264 Lorraine Narvaez (608) 261-7716 Tim Prosa (608) 261-7715	Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 7838 Madison, WI 53707 FAX: 608-267-1381
Initial Claim Eligibility	Renee Dickey (608) 264-8765	
Commodity Bid Waivers	Mary Ann Gosda (608) 266-9420	
Appeals Field Audit	James Moser (608) 267-1394	
Appeals Coordinator-Initial Contact for Appeals	Laura Pleasants (608) 261-2511	
Initial Claim Review	Diane Ploessl (608) 261-7723	
Financial Manager-Payment Issues	Dottie White (608) 266-3713	Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708 FAX: 608-267-1381
Program Assistant	Kristi Prindle (608) 267-3753	
Field Auditor	Carl Kramer (262) 638-7247	